

2nd Session, 2nd Parliament, 4 Victoria, 1860.

PETITION

OF

ROBERT F. GORELLAY, Presented, 15th May,
1860.

Printed by order of the Legislative Assembly.

(200 Copies.)

GOVERNMENT PRINTING OFFICE.

2nd Session, 2nd Parliament, 9 Victoria, 1846.

PETITION

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To the Honorable the Legislative Assembly of Canada.

THE PETITION OF ROBERT FLEMING GOURLAY,

HUMBLY SHEWETH:

That Your Honorable House, ^{d. d.} in the year 1841, unanimously declare, that, the arrest, and imprisonment of Your Petitioner, in Niagara, 1819, was "*illegal, unconstitutional, and without the possibility of excuse, or palliation.*"

That, Your Honorable House did, at same time, recommend that, "*the Legislature should declare his sentence of banishment null and void; and cause him to be compensated for the losses he has sustained by the unwarrantable exercise of authority. In the meantime, that, some allowance be made to him, to defray his personal expenses, while in attendance before the Legislature defending the rights of a British subject.*"

That, as yet, his sentence of banishment is not declared null and void: neither has he been compensated for losses. On the contrary, he has been detained in America, ever since, with no other object but the fulfilment of the recommendations of Your Honorable House; and has, thereby, incurred great expense; besides suffering unspeakable misery in being kept away from his family in Scotland. On his part, all has been done, that was possible, to urge on fulfilment, during the whole of these last five years; nor has he ever relaxed in defending the rights of a British subject.

In order to form an idea of what compensation he is entitled to, it is proper to state, as follows: That, he is an *élève* of the oldest and least tainted family of the County of Fife, in Scotland.

That, he was born in the year 1778,—heir apparent to considerable estates in the said County, where his father was a Magistrate, till his death, in the year 1819. That, in the year 1799, he received from the King, a Commission as Captain Commandant of Volunteers; and, from the year 1802, till 1809, was enrolled, by Acts of Parliament, as a Commissioner of Supply for the County of Fife.

That, at his marriage, in the year 1807, he had an yearly income of upwards of £500, sterling, besides provisions for his wife and children. That, when he was falsely arrested, in Upper Canada, in the years 1818 and 1819, he could still reckon on such income and provisions; but, in consequence of these arrests, all his property was put out of his possession, and is still beyond his control.

That, in the year 1820, he went to London, to enter as a Student of Law, that he might, by its practice, maintain himself and family in their accustomed rank; but, because of his conviction in Upper Canada, was precluded by the Benchers; and has, ever since, found it impossible to surmount ruinous prejudices proceeding therefrom, while in fact, his character has ever been unimpeachable.

In the year 1831, being a Candidate for the Chair of Agriculture in the University of Edinburgh, he could not obtain a hearing from the Electors; and, in defence of his reputation, obtained Testimonials, from very many eminent men; some of which are annexed, hereto.

He now entreats, that, the whole of these premises may be duly considered; and, that compensation be allowed him for expences incurred these last five years, the whole of that time having been devoted to his defence, as a British subject.

And, as in duty bound, he will ever pray.

ROBERT F. GOURLAY.

MONTREAL, *May 18th*, 1846.

TESTIMONIALS.

ST. ANDREWS, 28th February, 1831.

No. 1.

I hereby certify, that I was well acquainted with Mr. Gourlay, lately a Candidate for the Chair of Agriculture, in the University of Edinburgh, when he was a Student at St. Andrews, 1792 till 1796: that, he applied himself to his studies with diligence and success, and was well esteemed by his fellow Students.

That, he has visited me repeatedly within these last three years, when we conversed freely on various subjects; and, that, from these conversations, I have been impressed with the opinion that he is a liberal minded, well informed man, of honorable sentiments and of humane and benevolent dispositions.

JOHN HUNTER,
Emeritus Professor of Humanity.

ST. ANDREWS, 28th February, 1831.

No. 2.

More than thirty years ago, I was a fellow student of Mr. R. Gourlay, at the University of St. Andrews, and am happy to say, that, while he was highly respectable for his attainments as a scholar, he was distinguished by the propriety of his conduct, and the kindness and gentleness of his manners.

Within the last three years, I have had several long conversations with him, and found him clever, intelligent, well informed, and agreeable.

THOMAS DUNCAN,
Professor of Mathematics

ST. ANDREWS, 28th February, 1831.

No. 3.

I hereby certify that, many years ago, I was acquainted with Mr. Robert Gourlay, when he was a student in the University of St. Andrews; that, he was then a fine sprightly young man, and a diligent, attentive, and respectable student: that, since his return from Canada, I have had the pleasure of being in his company three or four times, and from his manners, conversation, and general deportment, I have seen no reason to alter the favorable opinion, I entertained of him, when I was first acquainted with him.

JAMES HUNTER,
Professor of Logic.

No. 4.

I hereby certify, that, I have been long acquainted with Mr. Robert Gourlay; and, that I have always considered him a person of good talents, of amiable dispositions, and gentlemanly manners.

JOHN MITCHELL,
Professor of Divinity.

ST. ANDREWS, 21st March, 1831.

No. 5.

This is to certify, that, Mr. Gourlay was well known to me, upwards of thirty years ago, as a good tempered, sprightly young man, as well as a diligent and successful

student, when he attended the different Mathematical Classes for theory and practice, in the University of St. Andrews in the years 1793, 4, and 5;—that, for these last three years, I have had very frequent opportunities of conversing with him; and, for intelligence, good humour, and equanimity, under all the changes of fortune, I have the best reason to consider him the most interesting personage of my acquaintance;—of unblemished integrity, with the sentiments and manners of a gentleman, completely informed in all the branches of agriculture in theory and practice, as well as in Political Economy, Poor Laws, Emigration, &c., and one of the most ardent, and enlightened philanthropists ever I saw;—that, he has laid before me his early publications in Scotland and England, his controversial writings in Canada and his later productions on the most interesting questions in Political Economy, which, considering their variety and extent, the extraordinary excitement, and even persecution, under which many of them were written, the honest and liberal convictions which actuated them and the information and ability he has brought to the discussion, I regard as some of the most wonderful performances I ever perused; not merely in regard to the clearness and force of the composition, but in the reasonings by which he supports his views, in the elevated tone of patriotism and humanity, which he every where discovers, and, in the temper, and spirit, and perseverance, and intrepidity, with which he maintains positions of the highest import to the prosperity and happiness of every nation; and, that, besides his superior information, and other talents, he is possessed withal of so much acuteness, vivacity, and ready elocution, that I know no man better qualified to give a complete and instructive Course of Lectures on Agriculture and its kindred subjects.

JAMES BROWN,

Retired Professor of Natural Philosophy.

EDINBURGH, 24th March, 1831.

No. 6.

Mr. Robert Gourlay is greatly my junior; and, as both of us passed many years abroad, I had no opportunity of forming any particular intimacy with him, until his return to this Country from Canada.

I had read his account of that Colony, containing a dissertation on the poor laws, which appeared to me to be a work of uncommon merit. I was anxious to cultivate his acquaintance, and I have had the gratification to enjoy it.

Mr. Gourlay has requested a testimonial from me. I am sensible that it can but little avail; but, I may with confidence say, that his moral conduct has been irreproachable in all the vicissitudes of his life; that, his manners are unassuming, and those of a gentleman; and, that, his talents and acquirements will enable him to execute, with honor, whatever may be committed to his management.

HUGH CLEGHORN,

Retired Professor of Civil History.

WAKEFIELD, 30th March, 1831.